



BOARD OF PUBLIC WORKS AND SAFETY MEETING MINUTES

CITY HALL CHAMBERS

WEDNESDAY, SEPTEMBER 2, 2015

9:30 A.M

Present: Mayor Vanlandingham, Board member Dee Byerly, Board member Greg Metz and City Attorney Doug Lehman.

Department Heads present: Wendy Frazier, Todd Titus, John Stephens, Fire Chief Robert Mullett, Police Chief Larry Schnepf, Scott Richardson, Tyler Niccum and Rick Price.

Council members: Doug Konkle, Joan Haag, Bonnie Corn and Dan Townsend

MINUTES

Greg Metz moved to approve the Minutes of the meeting of August 19, 2015 as presented. Dee Byerly seconded the motion, motion carried.

Dee Byerly moved to approve the Minutes of the August 24, 2015 special meeting. Greg Metz seconded the motion, motion carried.

CITY CLAIMS-SEWAGE CLAIMS

Greg Metz moved to approve for payment the City Claims and Sewage Claims as were presented. Dee Byerly seconded the motion, motion carried.

OLD BUSINESS

None

NEW BUSINESS

None

OTHER BUSINESS

Attorney Lehman stated the Board needs to approve a late claim dealing with the Cass & Carroll Street projects (cave-ins), with regard to authorizing some early bills to be paid out of the funds that were originally designated for a project that is not going to be done this year. The sum of \$200,000 was allocated for a project with regard to a fire hydrant for what was G & S (now SRT) but the water company is going to do that so the City is not going to have to use that money for that project. Therefore, with the approval of the Board, that money can be used to pay one of the early claims on the Cass and Carroll Street. Attorney Lehman asked for a Motion.

Greg Metz moved to use the funds to pay the claim as presented. Dee Byerly seconded the motion, motion carried.

Mayor Vanlandingham had a couple of items. Relative to the Eagles Theater, there have been a couple of meetings recently, and a Grant administrator has been chosen: Mendenhall & Associates. Next step is contract negotiations and one-step closer to getting that project started.

Also, the Mayor has been having conversations with Scott on the cave-ins (Cass & Carroll). The City has had to quit work on Columbus Street because we were in the middle of that project when all that happened. Scott is going to finish the sidewalk on Columbus Street, down at the far East end and then we are going to fill in the holes, next to the sidewalk. We have skim-coated Columbus Street already so we are going to wait until next spring to go in and finish paving it. We are going to take some of the paving money we were going to use there and now we are going to use it for Cass and Carroll.

### **QUESTIONS FROM THE AUDIENCE**

Councilwoman Haag asked if there is any way to get some money for Stitt Street (the old factory) where part of the fence has been torn down. The Mayor asked Scott to try to wire it back together.

### **REPORTS FROM DEPARTMENTS**

Fire Chief Mullett indicated that his department is going to be doing a 9/11 stair climb as a fundraiser for the Burn Camp, starting at 5 a.m. on Friday 9/11. One to two firefighters will be on a stair master, for approximately an hour, to complete 110 stories. The public is encouraged to come down to the Y to show support. The Chief thanked the "Y" and local media for their help.

### **PUBLIC HEARING-Unsafe Building**

-Rick & Barbara Nelson-52 Berry Street, Wabash, IN

The Mayor read the Declaration of Unsafe Property and noted for the record that the enforcement authority, John Stephens, and the City attorney, Douglas C. Lehman, were present. Neither Rick nor Barbara Nelson were present.

The Mayor swore in John Stephens.

The City waived preliminary statement.

Douglas C. Lehman called John Stephens as his first witness.

Attorney Lehman asked Mr. Stephens to state his name.

Answer: John Stephens

Attorney Lehman asked where Mr. Stephens is employed.

Answer: City of Wabash

Attorney Lehman: And what are your duties for the City of Wabash.

Answer: Code Enforcement and Building Inspector.

Attorney Lehman asked as Code Enforcement and Building Inspector, do you have occasion to inspect buildings to make sure they comply with the City Code and State law with regard to being safe and habitable.

Answer: Yes

Attorney Lehman directed his attention to the property at 52 Berry Street, and asked if he issued a notice to the owners of the property, at that address, with regard to the condition of their property.

Answer: Mr. Stephens responded "yes".

Attorney Lehman showed what was marked as City Exhibit 1 and asked Mr. Stephens to identify it. Mr. Stephens replied it's the Notice we sent to the homeowners, County Treasurer, County Commissioners and I believe another party.

Attorney Lehman asked if the list he sent it to, also a part of this exhibit.

Answer: Yes

Attorney Lehman: Showing an Accounts Recovery Bureau and the Wabash County Treasurer as recipients of this Notice also.

Answer: Yes

Attorney Lehman indicated (to Stephens) attached are the certified mail returns for the notices.

Answer: Yes

Attorney Lehman asked Mr. Stephens, to the best of his knowledge, were the notices sent to all people who showed of record or show as having some type of interest in this real estate.

Answer: Yes

Attorney Lehman showed Stephens City Exhibit 2 and asked if he could identify it.

Answer: It's the title search we had done regarding anybody who had an interest in the property.

Attorney Lehman stated that anybody who showed as having an interest upon the title search was sent one of these notices.

Answer: Yes

Attorney Lehman offered City Exhibits 1 and 2 to the Board.

Attorney Lehman asked Mr. Stephens if he's had an opportunity to personally inspect the property.

Answer: Yes.

When did you last see the property? Answer: This morning. (September 2, 2015).

Mr. Stephens was asked to describe to the Board, the condition of the property as he saw it.

Stephens stated that the foundation is almost non-existent and failing. Animals and kids could get underneath the house. Windows are broken out, the roof is collapsing, walls missing in places.

Attorney Lehman showed him Exhibit 3 and asked him if he could identify it. Answer: These are the pictures taken in March of this year.

Attorney Lehman asked if the pictures accurately reflect the condition of the property when he (Stephens) was there in March of this year. Answer: Yes. Lehman asked Stephens if the photos had been retouched, altered or modified in any way. Answer: No.

Attorney Lehman asked Stephens how he would describe the condition of the property today as compared to those pictures. Answer: The property is worse. Lehman offered Exhibit 3 to the Board.

Attorney Lehman stated for the record that he assumed Exhibit 3 is received into evidence.

Attorney Lehman asked Stephens if the premises appear to be vacant. Answer: Yes.

Attorney Lehman asked if the premises have become dilapidated because they've not been maintained or repaired by the owner. Answer: Yes.

Attorney Lehman asked Mr. Stephens if the building constitutes a fire hazard. Answer: No.

Does it contribute to blight causing a decrease in property values and discouraging neighbors to make improvements to nearby properties. Answer: Yes.

Are the premises in an impaired structural condition making them unsafe to persons or property. Answer: Yes.

Are the premises dangerous to public health. Answer: Yes.

Are the premises in violation of General Ordinance 2, 1986 because the premises do not meet the current building and maintenance requirements imposed by that Ordinance. Answer: "Yes".

Are the premises not fit for human habitation, occupancy or use under the requirements of the General Ordinance 2. Answer: No.

Does the premises constitute a nuisance. Answer: Yes.

In your (Stephens) opinion, what needs to be done with regard to this property. Mr. Stephens stated to demolish the house. Lehman asked Stephens if the premises can be repaired economically. Answer: Not economically.

Attorney Lehman indicated he had no further questions for the witness.

The Mayor asked if anyone had any questions or comments. Attorney Lehman asked the Board to make findings in accordance with the list in front of them.

The Board made specific findings about the condition of the property. The Mayor then ordered the Declaration of Unsafe Property including all structures and real estate, more commonly known as 52 Berry Street, Wabash, IN as contained in the enforcement authority's notice to owner, dated August 18th, is hereby upheld and all of said premises and buildings are hereby declared to be unsafe.

The Property owner shall demolish the structures, remove all debris from and fill all voids on the unsafe premises, not more than 30 days from the date of this Order.

Attorney Lehman verified that the Board was going with the first option under Number 2, the owner shall demolish the structure.

